

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1174

96TH GENERAL ASSEMBLY

4621L.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to school accreditation, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 162.081, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.081, to read as follows:

162.081. 1. Whenever any school district in this state fails or refuses in any school year to provide for the minimum school term required by section 163.021 or is classified unaccredited [for two successive school years by the state board of education, its corporate organization shall lapse. The corporate organization of any school district that is classified as unaccredited shall lapse on June thirtieth of the second full school year of such unaccredited classification after the school year during which the unaccredited classification is initially assigned. The territory theretofore embraced within any district that lapses pursuant to this section or any portion thereof may be attached to any district for school purposes by the state board of education; but no school district, except a district classified as unaccredited pursuant to section 163.023 and section 160.538 shall lapse where provision is lawfully made for the attendance of the pupils of the district at another school district that is classified as provisionally accredited or accredited by the state board of education] **the state board of education shall:**

(1) **Review the governance of the district to establish the conditions under which the existing school board shall continue to govern; or**

(2) **Determine the date the district shall lapse and determine an alternative governing structure for the district.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 2. [Prior to or] **If** at the time any school district in this state shall [lapse, but after the
18 school district has been] **be** classified as unaccredited, the department of elementary and
19 secondary education shall conduct a public hearing at a location in the unaccredited school
20 district **regarding the accreditation status of the school district. The hearing shall provide**
21 **an opportunity to convene community resources that may be useful or necessary in**
22 **supporting the school district as it attempts to return to accredited status, continues under**
23 **revised governance, or plans for continuity of educational services and resources upon its**
24 **attachment to a neighboring district. The department may request the attendance of**
25 **stakeholders and district officials to review the district's plan to return to accredited status,**
26 **if any; offer technical assistance; and facilitate and coordinate community resources.** [The
27 purpose of the hearing shall be to:

28 (1) Review any plan by the district to return to accredited status; or

29 (2) Offer any technical assistance that can be provided to the district.

30 3. Except as otherwise provided in section 162.1100, in a metropolitan school district
31 or an urban school district containing most or all of a city with a population greater than three
32 hundred fifty thousand inhabitants and in any other school district if the local board of education
33 does not anticipate a return to accredited status, the state board of education may appoint a
34 special administrative board to supervise the financial operations, maintain and preserve the
35 financial assets or, if warranted, continue operation of the educational programs within the
36 district or what provisions might otherwise be made in the best interest of the education of the
37 children of the district. The special administrative board shall consist of two persons who are
38 residents of the school district, who shall serve without compensation, and a professional
39 administrator, who shall chair the board and shall be compensated, as determined by the state
40 board of education, in whole or in part with funds from the district.

41 4.] **3. Upon [lapse of the district] classification of a district as unaccredited,** the state
42 board of education may:

43 (1) **Allow continued governance by the existing school district board of education**
44 **under terms and conditions established by the state board of education;**

45 (2) Appoint a special administrative board, [if such a board has not already been
46 appointed, and authorize the special administrative board to retain the authority granted to a
47 board of education] **determining the number of members and specifying the board's duties**
48 **for the operation of all or part of the district;**

49 [(2)] **(3) Determine an alternative governing structure for the district including, at**
50 **a minimum:**

51 **(a) A rationale for the decision to use an alternative form of governance and in the**
52 **absence of the district's achievement of full accreditation, the state board of education shall**
53 **review and recertify the alternative form of governance every three years;**

54 **(b) A method for the residents of the district to provide public comment after a**
55 **stated period of time or upon achievement of specified academic objectives;**

56 **(c) Expectations for progress on academic achievement, which shall include an**
57 **anticipated timeline for the district to reach full accreditation; and**

58 **(d) Annual reports to the general assembly and the governor on the progress**
59 **towards accreditation of any district that has been declared unaccredited and is placed**
60 **under an alternative form of governance, including a review of the effectiveness of the**
61 **alternative governance;**

62 **(4) Attach the territory of the lapsed district to another district or districts for school**
63 **purposes; or**

64 **[(3)] (5) Establish one or more school districts within the territory of the lapsed district,**
65 **with a governance structure [consistent with the laws applicable to districts of a similar size]**
66 **specified by the state board of education, with the option of permitting a district to remain**
67 **intact for the purposes of assessing, collecting, and distributing property taxes, to be distributed**
68 **equitably on a weighted average daily attendance basis, but to be divided for operational**
69 **purposes, which shall take effect sixty days after the adjournment of the regular session of the**
70 **general assembly next following the state board's decision unless a statute or concurrent**
71 **resolution is enacted to nullify the state board's decision prior to such effective date. [The special**
72 **administrative board may retain the authority granted to a board of education for the operation**
73 **of the lapsed school district under the laws of the state in effect at the time of the lapse.]**

74 **[5.] 4. A special administrative board appointed under this section shall retain the**
75 **authority granted to a board of education for the operation of the lapsed school district**
76 **under the laws of the state in effect at the time of the lapse. The authority of the special**
77 **administrative board shall expire at the end of the third full school year following its**
78 **appointment, unless extended by the state board of education. If the lapsed district is reassigned,**
79 **the special administrative board shall provide an accounting of all funds, assets and liabilities**
80 **of the lapsed district and transfer such funds, assets, and liabilities of the lapsed district as**
81 **determined by the state board of education.**

82 **[6. Upon recommendation of the special administrative board, the state board of**
83 **education may assign the funds, assets and liabilities of the lapsed district to another district or**
84 **districts. Upon assignment, all authority of the special administrative board shall transfer to the**
85 **assigned districts.**

86 7.] 5. Neither the special administrative board nor any district or other entity assigned
87 territory, assets or funds from a lapsed district shall be considered a successor entity for the
88 purpose of employment contracts, unemployment compensation payment pursuant to section
89 288.110, or any other purpose.

90 [8.] 6. If additional teachers are needed by a district as a result of increased enrollment
91 due to the annexation of territory of a lapsed or dissolved district, such district shall grant an
92 employment interview to any permanent teacher of the lapsed or dissolved district upon the
93 request of such permanent teacher.

94 [9. (1) The governing body of a school district, upon an initial declaration by the state
95 board of education that such district is provisionally accredited, may, and, upon an initial
96 declaration by the state board of education that such district is unaccredited, shall develop a plan
97 to be submitted to the voters of the school district to divide the school district if the district
98 cannot attain accreditation within three years of the initial declaration that such district is
99 unaccredited. In the case of such a district being declared unaccredited, such plan shall be
100 presented to the voters of the district before the district lapses. In the case of such a district being
101 declared provisionally accredited, such plan may be presented before the close of the current
102 accreditation cycle.

103 (2) The plan may provide that the school district shall remain intact for the purposes of
104 assessing, collecting and distributing taxes for support of the schools, and the governing body
105 of the district shall develop a plan for the distribution of such taxes equitably on a per-pupil basis
106 if the district selects this option.

107 (3) The makeup of the new districts shall be racially balanced as far as the proportions
108 of students allow.

109 (4) If a majority of the district's voters approve the plan, the state board of education
110 shall cooperate with the local board of education to implement the plan, which may include use
111 of the provisions of this section to provide an orderly transition to new school districts and
112 achievement of accredited status for such districts.

113 10.] 7. In the event that a school district with an enrollment in excess of five thousand
114 pupils lapses, no school district shall have all or any part of such lapsed school district attached
115 without the approval of the board of the receiving school district.

116 **8. No action of the state board of education pursuant to this section shall be**
117 **construed to supersede the right of a student residing in an unaccredited school district,**
118 **under section 167.131, to transfer to an accredited district in the same or an adjoining**
119 **county and have his or her tuition paid by his or her school district of residence.**

 Section B. Because of the need to provide immediate guidance on the operations of
2 unaccredited districts, this act is deemed necessary for the immediate preservation of the public

3 health, welfare, peace and safety, and is hereby declared to be an emergency act within the
4 meaning of the constitution, and this act shall be in full force and effect upon its passage and
5 approval.

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